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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,123	10/26/2001	Masato Otsuka	5266P007	3932

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,123

Applicant(s)

OTSUKA ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/02, 3/7/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. Claims 38-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38, and 40 are directed to a method claim. But, the claims recite only a single step, which is analogous to a single means claim and improper.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-19, 24-29, 34-37, 43, 48-52, are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art described at pages 1-2, and Figures 1-3, of the present Application.

The admitted prior art described at pages 1-2, and Figures 1-3, of the present Application describes a video reproducing apparatus that shows all the limitations recited in claims 1, 12, including the feature transferring a program chain of video data from a source to a track buffer while not transferring user agent data (See the capability of transferring video data to the buffer when in the video playback mode as shown in the admitted prior art, Figure 3, and the first 5 lines described at page 1, paragraph 3, of the present Application), and the feature of transferring a set user agent data associated with the program chain from the source to a user agent buffer while not transferring

video data as specified in the present claims 1, 12. (See the capability of transferring user agent data to the buffer when in the user agent data playback mode as shown in the admitted prior art, Figure 3, and described at page 1, paragraph 3, lines 5-9, of the present Application).

With regard to claims 2, 13, the feature of transferring the program chain before transferring the set of user agent data as specified thereof would be present in the admitted prior art described pages 1-2, and Figures 1-3, of the present Application, since the optical disc player of the admitted prior art can operate in two different modes, video playback mode and user agent mode. Therefore, the user can activate the playback of any mode at any desired time. (See the admitted prior art described at page 1, paragraph 3, lines 1-2, of the present Application).

With regard to claims 3, 14, the feature of transferring the program chain after transferring the set of user agent data as specified thereof would be present in the admitted prior art described pages 1-2, and Figures 1-3, of the present Application, since the optical disc player of the admitted prior art can operate in two different modes, video playback mode and user agent mode. Therefore, the user can activate the playback of any mode at any desired time. (See the admitted prior art described at page 1, paragraph 3, lines 1-2, of the present Application).

With regard to claims 4, 15, 24, 34, 48, the feature of decoding the program chain of video data in order to display the program chain of video data as specified thereof would be present in the admitted prior art described pages 1-2, and Figures 1-3,

of the present Application. (See the admitted prior art Figure 3, component 308, of the present Application).

With regard to claims 5, 16, 25, 35, 49, the feature of decoding the user agent data in order to display the data as specified thereof would be present in the admitted prior art described pages 1-2, and Figures 1-3, of the present Application. (See the admitted prior art Figure 3, component 308, of the present Application).

With regard to claims 6, 19, 26, 29, 43, the feature of decoding the program chain of video data and displaying the video data concurrently with the display of the user agent data as specified thereof would be present in the admitted prior art described at pages 1-2 of the present Application. (See the admitted prior art shown at Figure 1 and the corresponding disclosure of the present Application).

With regard to claims 7-8, 27-28, 50-51, the feature of the source comprising a local optical disk or a source external to the optical disk as specified thereof would be present in the admitted prior art described at pages 1-2 of the present Application. (See the admitted prior art described at page 1, paragraph 3, of the present Application).

With regard to claims 9-11, 18, 37, the feature of the external being a server, or an external hard drive, or an external local optical disc, as specified thereof would be present in the admitted prior art described at pages 1-2 of the present Application. (See the admitted prior art described at page 1, paragraph 3, of the present Application).

With regard to claims 17, 36, the feature of the optical disc reader to read from the local optical disc specified thereof would be present in the admitted prior art

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described at pages 1-2 of the present Application. (See the admitted prior art Figure 3, components 302, and 304).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Mankovitz (P.N. 5,541,738).

Mankovitz discloses a recording/reproducing apparatus that shows all the limitations recited in claims 38-42, including the feature of the directory table containing program chain of video data and the pointers to the plurality of agent data associated with the plurality of programs chain of video data as specified in the present claims 38-42. Applicant's attention is directed to the directory table shown in Mankovitz wherein the directory includes video data and titles, and address information associated with the video data recorded on the tape.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 52-53, and 58-60, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art described at pages 1-2, and Figures 1-3, of the present Application in view of Lee (P.N. 2003/0193848).

The admitted prior art described at pages 1-2, and Figures 1-3, of the present Application described a video/audio reproducing apparatus that shows substantially the same limitations recited in claims 52-53, including the feature of reproducing video data and user agent data from an optical disk as specified in the present claims 52-53. (See the admitted prior art Figure 3, components 302, and 304).

The admitted prior art described at pages 1-2, and Figures 1-3, of the present Application fails to specifically disclose the feature of two optical disc drives to read the video data and the user agent data simultaneously from the optical disc as specified in the present claims 52-53.

Lee discloses a video reproducing apparatus which includes the feature of two optical disc drives to read recorded data from two different tracks on an optical disc simultaneously as specified in the present claims 52-53. (See Lee's claims 2, and 10).

It would have been obvious to one skilled in the art to modify Figure 3 of the admitted prior art of the present Application wherein the optical read drive means provided thereof would incorporate the capability of two optical disc drives to read recorded data from two different tracks on an optical disc simultaneously in the same conventional manner as is shown by Lee. The motivation is to be able to read two different types of information from the disc recording medium at any desired time as suggested by Lee.

With regard to claim 58, the feature of decoding the program chain of video data in order to display the program chain of video data as specified thereof would be present in the admitted prior art described pages 1-2, and Figures 1-3, of the present Application. (See the admitted prior art Figure 3, component 308, of the present Application).

With regard to claim 59, the feature of decoding the user agent data in order to display the data as specified thereof would be present in the admitted prior art described pages 1-2, and Figures 1-3, of the present Application. (See the admitted prior art Figure 3, component 308, of the present Application).

With regard to claim 60, the feature of receiving data from the external source as specified thereof would be present in the admitted prior art described at pages 1-2 of

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the present Application. (See the admitted prior art described at page 1, paragraph 3, of the present Application).

8. Claims 20-23, 30-33, 44-47, and 54-57, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art described at pages 1-2, and Figures 1-3, of the present Application in view of Jeong (P.N. 6,141,004).

The admitted prior art described at pages 1-2, and Figures 1-3, of the present Application described a video/audio reproducing apparatus that shows substantially the same limitations recited in claims 20-23, 30-33, 44-47, and 54-57, including the feature of reproducing video data and user agent data from an optical disk as specified in the present claims 20-23, 30-33, 44-47, and 54-57 (See the admitted prior art Figure 3, components 302, and 304), and the feature of storing the reproduced data in a track buffer as specified in the present claim 20-23, 30-33, 44-47, and 54-57. (See the admitted prior art Figure 3 component 306, of the present Application).

The admitted prior art described at pages 1-2, and Figures 1-3, of the present Application fails to specifically disclose the feature of controlling the track buffer in a manner to control underflow and overflow as specified in the present claims 20-23, 30-33, 44-47, and 54-57.

Jeong discloses a video reproducing apparatus that shows the feature of track buffer having a controller arranged in a manner to control underflow and overflow as specified in the present claims 20-23, 30-33, 44-47, and 54-57. (See Jeong's Figure 1, components 18, and 24).

It would have been obvious to one skilled in the art to modify Figure 3 of the admitted prior art of the present Application wherein the buffer provided thereof would incorporate the capability of a controller arranged in a manner to control underflow and overflow of the track buffer in the same conventional manner as is shown by Jeong. The motivation is to eliminated underflow and overflow during reproduction operation as suggested by Jeong.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier
December 4, 2006.


ROBERT CHEVALIER
PRIMARY EXAMINER